

**Wyeth**

Five Giralda Farms  
Madison, NJ 07940

**Ronald J. Schott, Esq.**  
Senior Attorney  
Environmental Affairs  
973-660-6641 tel  
973-660-7176 fax

**RECEIVED**

2003 MAR 27 PM 3:49

AR/OK/TX BRANCH

March 26, 2003

VIA OVERNIGHT MAIL

United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

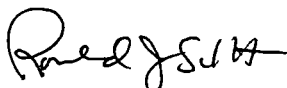
**RE:** Request for Information Pursuant to Section 104 of CERCLA (42 U.S.C. Section 9604)  
Owners/Operators  
Star Lake Canal Superfund Site  
Jefferson County, Texas

Dear Sir or Madam:

Enclosed are four (4) Requests for Information ("RFIs") and one General Notice Letter ("GNL") regarding the above-referenced matter, which were addressed to American Cyanamid Company (subsidiary of Wyeth) or its Registered Agent. Two of the RFIs and the GNL were for Goodrich Corporation and the other two were for KMG - Bernuth, Inc. American Cyanamid Company is not affiliated with either of these entities.

If you have any questions, or require any further information, please call me at your earliest convenience.

Very truly yours,



Ronald J. Schott

RJS/jp  
Enclosures

cc: CT Corporation System (w/o enc.)



208107



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

MAR 18 2003

**RECEIVED**

MAR 25 2003

RONALD J. SCHOTT

VIA CERTIFIED MAIL (NUMBER 7001 0360 0003  
6670 0184)  
RETURN RECEIPT REQUESTED  
URGENT LEGAL MATTER; PROMPT REPLY REQUESTED

David L. Hatcher  
Registered Agent for KMG - Bernuth, Inc.  
10611 Harwin, STE. 400  
Houston, TX 77036

Re: Request for Information Pursuant to Section 104 of CERCLA (42 U.S.C. Section 9604)  
Owners/Operators  
Star Lake Canal Superfund Site  
Jefferson County, Texas

Dear Sir or Madam:

The U. S. Environmental Protection Agency (EPA) is currently investigating the releases or threatened releases of hazardous substances, pollutants, or contaminants at the Star Lake Canal Superfund Site (hereinafter "the Site"), in the proximity of Groves, Texas. This letter seeks your cooperation in providing information and documents relating to the contamination of the Site.

The EPA is seeking to obtain information concerning the release of hazardous substances, pollutants, or contaminants that have been released into the Site. The EPA plans to study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. The EPA believes that you may have information which may assist in our investigation of the Site. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A (Information Request, Star Lake Canal Superfund Site), within thirty (30) calendar days of your receipt of this letter. Enclosure B lists parties who are also receiving Information Request letters concerning the Site.

## **SITE BACKGROUND**

The Site, which includes two industrial waste canals, the Star Lake Canal and the Jefferson Canal<sup>1</sup>, and Molasses Bayou is located in Jefferson County, Texas, in the cities of Port Neches and Groves. The Site is defined as the lengths of these two industrial canals from their origins to the confluence of the Star Lake Canal with the Neches River. The straight line distance along the Star Lake Canal from its origin east of the intersection of Highway 136 and FM 366 to its confluence with the Neches River is approximately 16,500 feet. The straight line distance along the Jefferson Canal from its origin on the east side of Hogaboom Road South of FM 366 to its confluence with the Star Lake Canal north of the Hurricane Protection Levee is approximately 4,000 feet. The Groves Drainage Ditch extends approximately 500 feet between its origin in a surface impoundment south of FM 366 to its confluence with the Jefferson Canal at FM 366. Between Sara Jane Road 9 (aka Port Neches Avenue) and the river, the Star Lake Canal crosses marshes and intersects the Molasses Bayou in two locations.

The Texas Natural Resource Conservation Commission collected sediment samples in 1996 and 1998 from Star Lake Canal, Jefferson Canal, and Molasses Bayou and found elevated concentrations of chromium, copper, polynuclear aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs) in the canal sediments and elevated concentrations of copper, PAHs, and pesticides in the Molasses Bayou wetlands. The known area of contaminated sediments extends more than 2 miles, spanning portions of the canals and the bayou to within 1/4 of a mile of the convergence with the Neches River.

## **DESCRIPTION OF LEGAL AUTHORITY**

The Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. §§ 9601 *et. seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986, gives EPA authority to, among other things: (1) assess contaminated sites; (2) determine the threats to human health and the environment posed by each site; and, (3) clean up those sites. The CERCLA also provides EPA with several methods of obtaining various types of information from a wide range of entities. Section 104(e), entitled "Information Gathering and Access," grants EPA authority to issue "Information Requests."

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<sup>1</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal. The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

## INFORMATION REQUESTS

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority which allows it to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; and,
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under Federal law. Although you may consider some of the information EPA is requesting to be confidential, please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality. If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted along with this Information Request.

Your response to the questions included in Enclosure A, including any "technical" questions regarding the scope of the Information Request or questions you may have about the Site, should be directed to:

Mr. Rafael A. Casanova, Remedial Project Manager  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-AP)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-7437  
Facsimile: (214) 665-6660  
E-Mail: casanova.rafael@epa.gov

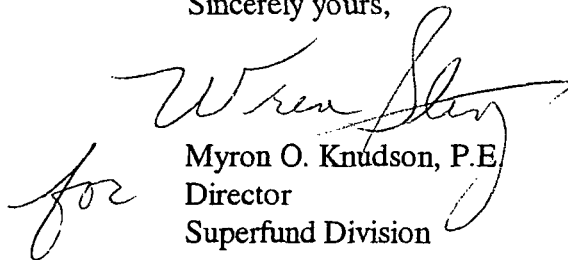
Specific "legal" questions concerning this Information Request or the Site should be directed to:

Mr. Edwin Quinones, Attorney  
U.S. Environmental Protection Agency, Region 6  
Office of Regional Counsel (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-8035  
Facsimile: (214) 665-6460  
E-Mail: [quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov)

### CONCLUSION

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A within thirty (30) calendar days of your receipt of this letter. Please contact Mr. Edwin Quinones if you need additional time to prepare a response. Thank you in advance for your cooperation in responding to this Information Request. We are looking forward to working closely with you in the future.

Sincerely yours,

  
for Myron O. Knudson, P.E.  
Director  
Superfund Division

Enclosures (2)

cc: Mr. Mark Vickery (Deputy Director)  
Office of Permitting, Remediation and Registration  
Texas Commission on Environmental Quality

**ENCLOSURE A**  
**INFORMATION REQUEST**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**

This Information Request asks that you provide certain information regarding the Star Lake Superfund Site (hereinafter "the Site") in Jefferson County, Texas. The U.S. Environmental Protection Agency (EPA, Region 6) is currently seeking information relating to the identification, nature, and quantity of materials which have been released into the Site, and the nature or extent of the release or threatened release of hazardous substances or pollutants or contaminants into the Site.

Compliance with this Information Request is mandatory and required by Federal law. Failure to respond fully and truthfully to the Information Request within thirty (30) calendar days of receipt may result in the initiation of enforcement action by EPA pursuant to Subsection 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. § 9604(e). The CERCLA permits EPA to seek the imposition of penalties of up to twenty-seven thousand, five hundred dollars (\$27,500) for each day of continued non-compliance. Furnishing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Should you find that any portion of your submission is incorrect or false, you should notify EPA as soon as possible. This Information Request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Following are the "instructions" that you should adhere to in responding to this Information Request, the "definitions" that apply to the words as they appear in this Information Request, and the "Questions" that you should provide a response for as part of this Information Request. Unless otherwise indicated, the time period covered by this request is 1940 to the present.

**INSTRUCTIONS**

Following are the instructions you should adhere to in responding to this Information Request. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify the person(s) answering the Questions on behalf of the Respondent and each person(s) that you relied on or consulted in the preparation of the answer.
2. A separate narrative response must be made to each and every Question, and Subpart(s) of each Question, set forth in this Information Request.
3. Precede each narrative response with the number of the Question (or Subpart[s]) and the Question (or Subpart[s]) to which it corresponds.

4. For each and every Question contained herein, identify each of the documents consulted, examined, or referred to in the preparation of the answer or that contained information responsive to the Question and provide true and accurate copies of each of these documents. Organize the document copies according to the corresponding Question. For each document produced in your response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (or Subpart[s]) to which the document corresponds.
5. For each question contained in this Information Request, if information or documents responsive to this Information Request are not in your possession, custody, or control, please identify the person(s) from whom such information or documents may be obtained.
6. Identify any person you think may be able to provide a more detailed or complete response to any Question contained herein, along with the additional information or documents that you think they may have.
7. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, although correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide a corrected response.
8. Provide responses to the best of your ability, even if the information sought was never written or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.
9. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Section 9604(e)(7)(E) and (F).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;

- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantially harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type, the word "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents, should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public without further notice to you.

10. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 CFR 2.310(h), even if you assert that all or part of the information is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are



submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.

11. The disclosure of personnel and medical files, etc., which the general public may constitute as invasion of privacy, should be segregated from your responses, included on a separate sheet(s), and marked as "Personal Privacy Information."
12. If you have objections to some or all of the questions included with this Information Request, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear herein. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act (RCRA), in which case the statutory or regulatory definitions shall apply. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular Question or Questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

1. The terms "**and**" and "**or**" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "**any**" (e.g., as in "any documents"), shall mean "any and all."
3. The term "**arrangement**" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "**asset**" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.
5. The term "**document(s)**" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings/agreements and

the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document, and every document referred to in any other document.

6. The term **"Facility"** or **"Facilities"** shall mean industries operating in the vicinity of the Star Lake Superfund Site. The term shall include, but is not limited to, the Tank Farm (located at the northeast corner of Highway 136 and FM 366), Rectangular Ponds (located south of the Tank Farm and south of FM 366), Nine Above-Ground Storage Tanks (located north of FM 366 between Pine Street and Orchard Avenue and less than 500 feet east of the Tank Farm), Solid Waste Landfill (located northeast of the intersection of FM 366 and Orchard Avenue), Waste Water Treatment Plant (located at the southwest corner of Highway 136 and FM 366), Petrochemical Plant (located at the southwest corner of the intersection of FM 366 and Hogaboom Road), Chemical Plant (located at the southeast corner of Hogaboom Road and FM 366), and Industrial Gas Plant (located northeast of the corner of Hogaboom Road and Wilson Avenue).
7. The term **"hazardous material"** shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
8. The term **"hazardous substance"** shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances.
9. The term **"hazardous waste"** shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR Part 261.
10. The term **"identify"** shall mean, with respect to a natural person, to set forth the person's name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.
11. The term **"identify"** shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief

description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.

12. The term **"identify"** shall mean, with respect to a document, to provide the type of document. This information includes the document's customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.
13. The term **"identify"** shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
14. The term **"material(s)"** shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
15. The term **"operator"** shall mean those persons who once owned or operated the facility from which hazardous substances were released into the Site..
16. The term **"owner"** shall mean those persons who owned the facility from which hazardous substances were released into the Site.
17. The term **"person"** shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
18. The terms **"pollutant"** or **"contaminant,"** shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
19. The term **"property interest"** shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns

or rents, or owned or rented property.

20. The term **“real estate”** shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.
21. The term **“release”** has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
22. The term **“Site”** shall mean and include the Star Lake Superfund Site, which includes the Star Lake Canal, Jefferson Canal<sup>2</sup>, and Molasses Bayou.
23. The term **“solid waste”** shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 40 CFR Part 261.
24. The terms **“transaction”** or **“transact”** shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
25. The terms **“you”** or **“Respondent”** shall mean the addressee of this Request; including, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

### QUESTIONS

Following are the Questions. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify all parent corporations and all subsidiaries of the Respondent, KMG-Bernuth, Inc.
2. Provide Articles of Incorporation (including any amendments thereto), Certificates of Authority (including any amendments thereto), list of corporate officers, date of incorporation and state of incorporation for Respondent, KMG-Bernuth, Inc.
3. Provide corporate history of Respondent, KMG-Bernuth, Inc. including, but not limited to, mergers with other corporations, acquisitions of other corporations and name changes of Respondent, KMG-Bernuth, Inc., since its date of incorporation.

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<sup>2</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal. The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

4. Identify any and all ties, including but not limited to mergers, acquisitions, name changes and corporate history transactions, that Respondent, KMG-Bernuth, Inc., has or had with the following businesses:

Dayburn Chemical Company  
Sonford Chemical Company  
Harwin Interests, Inc.  
QED Laboratories, Inc.  
KMG Services Corp.  
KMG Services, Inc.

5. Identify any and all business transactions, including but not limited to contracts, sales and/or purchases, and assumptions of liability, that Respondent, KMG-Bernuth, Inc., has or had with the following businesses:

Dayburn Chemical Company  
Sonford Chemical Company  
Harwin Interests, Inc.  
QED Laboratories, Inc.  
KMG Services Corp.  
KMG Services, Inc.

6. Identify any and all ties, including but not limited to corporate/officer positions, sales and/or purchases, contracts and assumptions of liability, that Respondent, KMG-Bernuth, Inc., has or had with David B. Hatcher and/or David L. Hatcher.

**ENCLOSURE B**  
**PARTIES RECEIVING INFORMATION REQUESTS**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**  
**FEBRUARY 13, 2003**

American Cyanamid Company  
Five Giralda Farms  
Madison, New Jersey 07940

Prentice Hall Corporate Systems  
Registered Agent for American Cyanamid Company  
800 Brazos  
Austin, TX 78701

Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

Randy Beskow  
Registered Agent for Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

The Uniroyal Goodrich Tire Corporation  
280 Park Avenue  
New York, NY 10017-1216

Capitol Commerce Reporter, Inc.  
Registered Agent for The Uniroyal Goodrich Tire Corporation  
1301 South Interstate Highway 35, Suite 100  
Austin, TX 78741

Calabrian Chemicals Corporation (Chemall, Inc.)  
5500 Highway 366  
Port Neches, TX 77651-6300

Lance Fox  
Registered Agent for Calabrian Chemicals Corporation (Chemall, Inc.)  
470 Orleans Street  
Beaumont, TX 77701

Huntsman Petrochemical Corporation  
6001 Highway 366  
Port Neches, TX 77651-6304

C. T. Corporation System  
Registered Agent for Huntsman Petrochemical Corporation  
350 North St. Paul Street  
Dallas, TX 75201

Jefferson County Drainage District Number 7  
4401 9<sup>th</sup> Avenue  
Port Arthur, TX 77640

Texaco, Inc.  
1111 Bagby Street  
Houston, TX 77002

Prentice Hall Corporation System, Inc.  
Registered Agent for Texaco, Inc.  
800 Brazos Street  
Austin, TX 78701

Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
P.O. Box 1404  
Houston, Texas 77251

J. Frank Kinsel  
Registered Agent for Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
1111 Rusk Street  
Houston, TX 77002



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

MAR 18 2003

**RECEIVED**

MAR 25 2003

RONALD J. SCHOTT

**GENERAL NOTICE LETTER  
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

CT Corporation System  
Registered Agent Goodrich Corporation  
111 Eighth Avenue  
New York, NY 10011

RE: General Notice Letter  
Star Lake Superfund Site  
Jefferson County, Texas

Dear Sir or Madam:

This "General Notice Letter" (GNL) notifies you of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9607(a), as amended (CERCLA), that you may incur or may have incurred with respect to the Star Lake Superfund Site (hereinafter "the Site"). This GNL also notifies you of potential response activities at the Site which you may be asked to perform or finance at a later date.

**NOTICE OF POTENTIAL LIABILITY**

The U.S. Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the Site, to wit: chromium, copper, polynuclear aromatic hydrocarbons, and polychlorinated biphenyls. The EPA has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the Site; unless, the EPA reaches an agreement under which a potentially liable party or parties will properly perform or finance such actions. The EPA may perform these actions pursuant to Section 104 of CERCLA.



Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), potentially liable parties may be ordered to perform response actions deemed necessary by the EPA to protect human health and the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for conducting a Remedial Investigation and Feasibility Study (RI/FS); a Remedial Design and Remedial Action (RD/RA); and other investigation, planning, response oversight, and enforcement activities.

The EPA has evaluated information in connection with the investigation of the Site. Based on this information, the EPA believes that you may be a Potentially Responsible Party (PRP) with respect to this Site. CERCLA says that four types of persons are liable for cleaning up (or paying the EPA to clean up) hazardous substances that have been released. The four types of liable persons are:

1. Persons who now own the place where the hazardous substances were released (owner);
2. Persons who once owned or operated the place where the hazardous substances were released during the time when the hazardous substances were disposed (operator);
3. Persons who arranged for disposal or treatment of hazardous substances at the place where the hazardous substances were released (generator); or
4. Persons who selected the place where the hazardous substances were released as a disposal site and transported the hazardous substances to that place (transporter).

Based on an evaluation of the information, EPA believes that you may be a Potentially Responsible Party by virtue of having owned or operated a place where hazardous substances may have been disposed of during the period of ownership or operation. By this letter, the EPA notifies you of your potential liability with regard to this matter and encourages you to voluntarily perform or finance those response activities that the EPA determines are necessary at the Site. In accordance with CERCLA and other authorities, the EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include a Preliminary Assessment and Site Inspection, the preparation of a Hazard Ranking System Documentation Record, and certain enforcement activities. The EPA may expend additional funds for the performance of an RI/FS at the Site under the authority of CERCLA.

#### **SPECIAL NOTICE AND NEGOTIATION MORATORIUM**

You may receive an additional notice from the EPA in the future. That notice would either inform you that the EPA is using the CERCLA Section 122(e) Special Notice procedures to formally negotiate terms of a consent order or consent decree to conduct or finance response activities, or it would inform you that the EPA is not using such procedures pursuant to Section 122(a). If the EPA does not use Section 122(e) Special Notice procedures, the notice would

specify why the Special Notice procedures were not appropriate in this case. Under Section 122(e), the EPA has the discretionary authority to use the Special Notice procedures if the EPA determines that such procedures would facilitate an agreement between the EPA and the PRPs and would expedite remedial action at the Site.

Use of the Special Notice procedures triggers a moratorium on certain EPA activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and the EPA may enter into formal negotiations for the PRPs' conduct or financing of the response activities at the Site. The initial moratorium for the RI/FS lasts for sixty (60) days after the notice. If the EPA determines that an offer to perform or finance the activities is submitted by the PRPs within those 60 days, and that the offer is a "good-faith offer," an extension of thirty(30) days is provided for by statute for further negotiations. The initial moratorium for the RD/RA also lasts for sixty (60) days after the notice. If EPA determines that an offer is submitted by the PRPs within those 60 days, and that the offer is a "good-faith offer," an extension of sixty (60) days is provided for by statute for further negotiations. If EPA determines that a "good-faith offer" has not been submitted within the first sixty (60) days of the moratorium period, the EPA may terminate the negotiation moratorium under Section 122(e)(4) of CERCLA. The EPA then may commence such cleanup or enforcement actions as it deems appropriate.

In the absence of an agreement with the parties to perform or finance the necessary cleanup activities, the EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of expenditures associated with the Site. Alternatively, the EPA may issue an administrative order pursuant to Section 106(a) of CERCLA to require the PRPs to commence cleanup activities, or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with an administrative order issued under Section 106(a) of CERCLA may result in a fine of up to \$27,500 per day, under Section 106(b) of CERCLA, or imposition of treble damages under Section 107(c)(3).

## **SITE BACKGROUND AND RESPONSE ACTIVITIES**

The Site is currently defined as the lengths of two industrial canals, the Star Lake Canal and the Jefferson Canal, from their origins to the confluence of the Star Lake Canal with the Neches River. The Site consists of sediments in the Star Lake Canal<sup>1</sup>, Jefferson Canal<sup>2</sup>, and Molasses Bayou contaminated with the following hazardous substances: chromium, copper, polynuclear aromatic hydrocarbons, and polychlorinated biphenyls. The Jefferson Canal confluences with the Star Lake Canal in an area between State Highway 366 and Sara Jane Road (a.k.a. East Port Neches Avenue, Port Neches Atlantic Highway, and Atlantic Road) at the geographic coordinates of approximately 29°58'30" north latitude and 93°55'12" west longitude

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<sup>1</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal.

<sup>2</sup>The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

(taken from the Port Arthur North, Texas Quadrangle, 7.5 Minute Series Map [1993]). The Jefferson Canal was constructed in the late 1940s as an industrial wastewater and stormwater outfall. The Star Lake Canal was constructed after 1948 for the same purpose. The Jefferson and Star Lake Canals have received industrial wastewater and storm water discharges from local chemical and other manufacturing facilities for a number of years.

In response to contamination discovered during dredging in the Jefferson Canal, the Texas Natural Resource Conservation Commission (TNRCC) collected sediment samples in 1996 and 1998 from the Jefferson Canal, Star Lake Canal, and wetlands bordering Molasses Bayou. The TNRCC found elevated concentrations of chromium, copper, polynuclear aromatic hydrocarbons (PAHs), and polychlorinated biphenyls in the sediments of Star Lake Canal and Jefferson Canal and elevated concentrations of copper, PAHs, and pesticides in the Molasses Bayou wetlands. These contaminated sediments extend more than 2 miles, spanning portions of Jefferson Canal, Star Lake Canal, and the Molasses Bayou to within 1/4 of a mile of where the Molasses Bayou, Star Lake Canal, and the Neches River converge. More than 3 miles of wetlands front the surface water in which contaminated sediments have been detected. These wetlands are habitats known to be used by the white-faced ibis, a State-designated threatened species. From the confluence of the Molasses Bayou, Star Lake Canal, and the Neches River, surface water flows down the river approximately 3 1/2 miles to Sabine Lake. Sabine Lake is used as a fishery. Some of the contaminants present at the Site are known human carcinogens. The nature and extent of contamination at the Site and the risks posed to human health and the environment from the contaminants present at the Site are unknown.

At present, the EPA is planning to conduct an RI/FS at the Site. The objectives of the RI/FS are to investigate the nature and extent of contamination at the Site and to develop and evaluate potential remedial alternatives, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, 42 U.S.C. § 9601, et seq.), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan [NCP]). Specifically, these objectives are to determine the presence or absence, types, and quantities (concentrations) of contaminants; mechanism of contaminant release to pathway(s); direction of pathway(s) transport; boundaries of source(s) and pathway(s); environmental/public health receptors; and source and pathway contaminant characteristics with respect to mitigation (e.g., bench-scale studies).

### **INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES**

The EPA would like to encourage good-faith negotiations between the PRPs and the EPA, as well as among the PRPs. To assist the PRPs in preparing a proposal and in negotiating with the EPA concerning this matter, the EPA is providing Enclosure A (Parties Receiving General Notice) which is a list of names and addresses of PRPs to whom this notification is also being sent. This list represents the EPA's preliminary findings on the identities of the PRPs. Inclusion on, or exclusion from, the list does not constitute a final determination by the EPA

concerning the liability of any party for the release or threat of release of hazardous substances at the Site.

### **PRP STEERING COMMITTEE**

The EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is critical for successful negotiations with the EPA. Alternatively, the EPA encourages each PRP to select one person from its company or organization who will represent its interests.

### **ADMINISTRATIVE RECORD**

Pursuant to CERCLA Section 113(k), the EPA must establish an administrative record that contains documents that form the basis of the EPA's decision on the selection of a response action for the Site. The administrative record files, which contain the documents related to the response action selected for this Site, will be available to the public for inspection and comment. The primary location is generally the EPA's Region 6 office located at 1445 Ross Avenue, Suite 1200, in Dallas, Texas.

### **PRP RESPONSE AND EPA CONTACTS**

You are encouraged to contact the EPA within thirty (30) days of your receipt of this letter to indicate your willingness to participate in future negotiations about the planned RI/FS for the Site. You may respond individually or through a steering committee if such a committee has been formed. You should indicate your willingness to participate in this RI/FS by calling:

Mr. Edwin Quinones (Attorney)  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Telephone Number: (214) 665-8035  
FAX Number: (214) 665-6460  
E-Mail Address: [quinones.edwin@epa.gov](mailto:quinones.edwin@epa.gov)

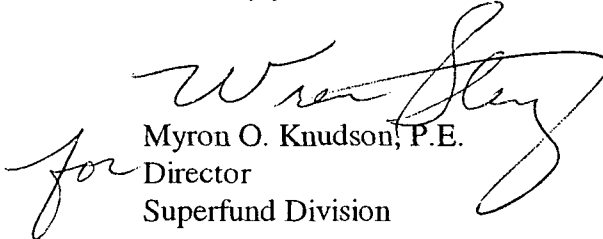
Questions concerning the technical aspects of the planned RI/FS for the Site should be directed to:

Mr. Rafael A. Casanova (Remedial Project Manager, Environmental Scientist)  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-AP)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Telephone Number: (214) 665-7437  
FAX Number: (214) 665-6660  
E-Mail Address: casanova.rafael@epa.gov

Thank you for your cooperation in this matter. We look forward to working with you in the future.

Sincerely yours,

  
for Myron O. Knudson, P.E.  
Director  
Superfund Division

Enclosure

cc: Mr. Mark Vickery (Deputy Director)  
Office of Permitting, Remediation and Registration  
Texas Commission on Environmental Quality

Glenn Sekavec (Regional Enforcement Officer)  
U.S. Department of the Interior

Susan MacMullin (Regional Director)  
U.S. Fish and Wildlife Service

Brian Cain (Field Supervisor)  
U.S. Fish and Wildlife Service

Richard Seiler  
Texas Natural Resource Conservation Commission

Bill Grimes  
Texas General Land Office

Don Pitts  
Texas Parks and Wildlife Department

Barry Forsythe  
U.S. Fish and Wildlife Service

Roger Lee  
U.S. Geological Survey

Ron Gouget (Coastal Resource Coordinator)  
National Oceanic and Atmospheric Administration

**ENCLOSURE A**  
**PARTIES RECEIVING GENERAL NOTICE**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**  
**February 6, 2003**

American Cyanamid Company  
Five Giralda Farms  
Madison, New Jersey 07940

Prentice Hall Corporate Systems  
Registered Agent for American Cyanamid Company  
800 Brazos  
Austin, TX 78701

Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

Randy Beskow  
Registered Agent for Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

The Uniroyal Goodrich Tire Corporation  
280 Park Avenue  
New York, NY 10017-1216

Capitol Commerce Reporter, Inc.  
Registered Agent for The Uniroyal Goodrich Tire Corporation  
1301 South Interstate Highway 35, Suite 100  
Austin, TX 78741

Calabrian Chemicals Corporation (Chemall, Inc.)  
5500 Highway 366  
Port Neches, TX 77651-6300

Lance Fox  
Registered Agent for Calabrian Chemicals Corporation (Chemall, Inc.)  
470 Orleans Street  
Beaumont, TX 77701

Huntsman Petrochemical Corporation  
6001 Highway 366  
Port Neches, TX 77651-6304

CT Corporation System  
Registered Agent Goodrich Corporation  
111 Eighth Avenue  
New York, NY 10011

C. T. Corporation System  
Registered Agent for Huntsman Petrochemical Corporation  
350 North St. Paul Street  
Dallas, TX 75201

Jefferson County Drainage District Number 7  
4401 9<sup>th</sup> Avenue  
Port Arthur, TX 77640

Texaco, Inc.  
1111 Bagby Street  
Houston, TX 77002

Prentice Hall Corporation System, Inc.  
Registered Agent for Texaco, Inc.  
800 Brazos Street  
Austin, TX 78701

Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
P.O. Box 1404  
Houston, Texas 77251

J. Frank Kinsel  
Registered Agent for Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
1111 Rusk Street  
Houston, TX 77002





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

MAR 18 2003

7001 0360 0003  
**VIA CERTIFIED MAIL (NUMBER 6670 0023 )**  
**RETURN RECEIPT REQUESTED**  
**URGENT LEGAL MATTER; PROMPT REPLY REQUESTED**

CT Corporation System  
Registered Agent for Goodrich Corporation  
111 Eighth Avenue  
New York, NY 10011

Re: Request for Information Pursuant to Section 104 of CERCLA (42 U.S.C. Section 9604)  
Owners/Operators  
Star Lake Canal Superfund Site  
Jefferson County, Texas

Dear Sir or Madam:

The U. S. Environmental Protection Agency (EPA) is currently investigating the releases or threatened releases of hazardous substances, pollutants, or contaminants at the Star Lake Canal Superfund Site (hereinafter "the Site"), in the proximity of Groves, Texas. This letter seeks your cooperation in providing information and documents relating to the contamination of the Site.

The EPA is seeking to obtain information concerning the release of hazardous substances, pollutants, or contaminants that have been released into the Site. The EPA plans to study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. The EPA believes that you may have information which may assist in our investigation of the Site. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A (Information Request, Star Lake Canal Superfund Site), within thirty (30) calendar days of your receipt of this letter. Enclosure B lists parties who are also receiving Information Request letters concerning the Site.

## **SITE BACKGROUND**

The Site, which includes two industrial waste canals, the Star Lake Canal and the Jefferson Canal<sup>1</sup>, and Molasses Bayou is located in Jefferson County, Texas, in the cities of Port Neches and Groves. The Site is defined as the lengths of these two industrial canals from their origins to the confluence of the Star Lake Canal with the Neches River. The straight line distance along the Star Lake Canal from its origin east of the intersection of Highway 136 and FM 366 to its confluence with the Neches River is approximately 16,500 feet. The straight line distance along the Jefferson Canal from its origin on the east side of Hogaboom Road South of FM 366 to its confluence with the Star Lake Canal north of the Hurricane Protection Levee is approximately 4,000 feet. The Groves Drainage Ditch extends approximately 500 feet between its origin in a surface impoundment south of FM 366 to its confluence with the Jefferson Canal at FM 366. Between Sara Jane Road 9 (aka Port Neches Avenue) and the river, the Star Lake Canal crosses marshes and intersects the Molasses Bayou in two locations.

The Texas Natural Resource Conservation Commission collected sediment samples in 1996 and 1998 from Star Lake Canal, Jefferson Canal, and Molasses Bayou and found elevated concentrations of chromium, copper, polynuclear aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs) in the canal sediments and elevated concentrations of copper, PAHs, and pesticides in the Molasses Bayou wetlands. The known area of contaminated sediments extends more than 2 miles, spanning portions of the canals and the bayou to within 1/4 of a mile of the convergence with the Neches River.

## **DESCRIPTION OF LEGAL AUTHORITY**

The Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. §§ 9601 *et. seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986, gives EPA authority to, among other things: (1) assess contaminated sites; (2) determine the threats to human health and the environment posed by each site; and, (3) clean up those sites. The CERCLA also provides EPA with several methods of obtaining various types of information from a wide range of entities. Section 104(e), entitled "Information Gathering and Access," grants EPA authority to issue "Information Requests."

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<sup>1</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal. The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

## **INFORMATION REQUESTS**

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority which allows it to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; and,
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under Federal law. Although you may consider some of the information EPA is requesting to be confidential, please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality. If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted along with this Information Request.

Your response to the questions included in Enclosure A, including any "technical" questions regarding the scope of the Information Request or questions you may have about the Site, should be directed to:

Mr. Rafael A. Casanova, Remedial Project Manager  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-AP)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-7437  
Facsimile: (214) 665-6660  
E-Mail: casanova.rafael@epa.gov

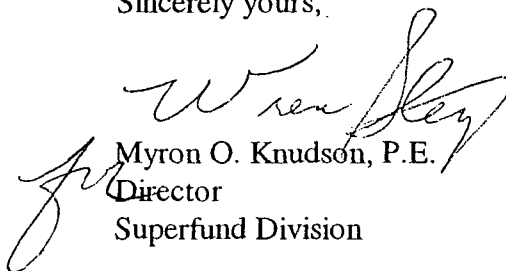
Specific "legal" questions concerning this Information Request or the Site should be directed to:

Mr. Edwin Quinones, Attorney  
U.S. Environmental Protection Agency, Region 6  
Office of Regional Counsel (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-8035  
Facsimile: (214) 665-6460  
E-Mail: quinones.edwin@epa.gov

### CONCLUSION

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A within thirty (30) calendar days of your receipt of this letter. Please contact Mr. Edwin Quinones if you need additional time to prepare a response. Thank you in advance for your cooperation in responding to this Information Request. We are looking forward to working closely with you in the future.

Sincerely yours,

  
Myron O. Knudson, P.E.  
Director  
Superfund Division

Enclosures

cc: Mr. Mark Vickery (Deputy Director)  
Office of Permitting, Remediation and Registration  
Texas Commission on Environmental Quality

**ENCLOSURE A**  
**INFORMATION REQUEST**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**

This Information Request asks that you provide certain information regarding the Star Lake Superfund Site (hereinafter "the Site") in Jefferson County, Texas. The U.S. Environmental Protection Agency (EPA, Region 6) is currently seeking information relating to the identification, nature, and quantity of materials which have been released into the Site, and the nature or extent of the release or threatened release of hazardous substances or pollutants or contaminants into the Site.

Compliance with this Information Request is mandatory and required by Federal law. Failure to respond fully and truthfully to the Information Request within thirty (30) calendar days of receipt may result in the initiation of enforcement action by EPA pursuant to Subsection 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. § 9604(e). The CERCLA permits EPA to seek the imposition of penalties of up to twenty-seven thousand, five hundred dollars (\$27,500) for each day of continued non-compliance. Furnishing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Should you find that any portion of your submission is incorrect or false, you should notify EPA as soon as possible. This Information Request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Following are the "instructions" that you should adhere to in responding to this Information Request, the "definitions" that apply to the words as they appear in this Information Request, and the "Questions" that you should provide a response for as part of this Information Request. Unless otherwise indicated, the time period covered by this request is 1940 to the present.

**INSTRUCTIONS**

Following are the instructions you should adhere to in responding to this Information Request. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify the person(s) answering the Questions on behalf of the Respondent and each person(s) that you relied on or consulted in the preparation of the answer.
2. A separate narrative response must be made to each and every Question, and Subpart(s) of each Question, set forth in this Information Request.
3. Precede each narrative response with the number of the Question (or Subpart[s]) and the Question (or Subpart[s]) to which it corresponds.

4. For each and every Question contained herein, identify each of the documents consulted, examined, or referred to in the preparation of the answer or that contained information responsive to the Question and provide true and accurate copies of each of these documents. Organize the document copies according to the corresponding Question. For each document produced in your response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (or Subpart[s]) to which the document corresponds.
5. For each question contained in this Information Request, if information or documents responsive to this Information Request are not in your possession, custody, or control, please identify the person(s) from whom such information or documents may be obtained.
6. Identify any person you think may be able to provide a more detailed or complete response to any Question contained herein, along with the additional information or documents that you think they may have.
7. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, although correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide a corrected response.
8. Provide responses to the best of your ability, even if the information sought was never written or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.
9. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Section 9604(e)(7)(E) and (F).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;

- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantially harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type, the word "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents, should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public without further notice to you.

10. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 CFR 2.310(h), even if you assert that all or part of the information is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing

the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.

11. The disclosure of personnel and medical files, etc., which the general public may constitute as invasion of privacy, should be segregated from your responses, included on a separate sheet(s), and marked as "Personal Privacy Information."
12. If you have objections to some or all of the questions included with this Information Request, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear herein. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act (RCRA), in which case the statutory or regulatory definitions shall apply. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular Question or Questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

1. The terms "**and**" and "**or**" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "**any**" (e.g., as in "any documents"), shall mean "any and all."
3. The term "**arrangement**" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "**asset**" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.
5. The term "**document(s)**" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes,



memorandum of telephone and other conversations including meetings/agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document, and every document referred to in any other document.

6. The term **"Facility"** or **"Facilities"** shall mean industries operating in the vicinity of the Star Lake Superfund Site. The term shall include, but is not limited to, the Tank Farm (located at the northeast corner of Highway 136 and FM 366), Rectangular Ponds (located south of the Tank Farm and south of FM 366), Nine Above-Ground Storage Tanks (located north of FM 366 between Pine Street and Orchard Avenue and less than 500 feet east of the Tank Farm), Solid Waste Landfill (located northeast of the intersection of FM 366 and Orchard Avenue), Waste Water Treatment Plant (located at the southwest corner of Highway 136 and FM 366), Petrochemical Plant (located at the southwest corner of the intersection of FM 366 and Hogaboom Road), Chemical Plant (located at the southeast corner of Hogaboom Road and FM 366), and Industrial Gas Plant (located northeast of the corner of Hogaboom Road and Wilson Avenue).
7. The term **"hazardous material"** shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
8. The term **"hazardous substance"** shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances.
9. The term **"hazardous waste"** shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR Part 261.
10. The term **"identify"** shall mean, with respect to a natural person, to set forth the person's name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.
11. The term **"identify"** shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation

[including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.

12. The term “**identify**” shall mean, with respect to a document, to provide the type of document. This information includes the document’s customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.
13. The term “**identify**” shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
14. The term “**material(s)**” shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
15. The term “**operator**” shall mean those persons who once owned or operated the facility from which hazardous substances were released into the Site..
16. The term “**owner**” shall mean those persons who owned the facility from which hazardous substances were released into the Site.
17. The term “**person**” shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
18. The terms “**pollutant**” or “**contaminant,**” shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
19. The term “**property interest**” shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned

or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

20. The term “**real estate**” shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.
21. The term “**release**” has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
22. The term “**Site**” shall mean and include the Star Lake Superfund Site, which includes the Star Lake Canal, Jefferson Canal<sup>2</sup>, and Molasses Bayou.
23. The term “**solid waste**” shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 40 CFR Part 261.
24. The terms “**transaction**” or “**transact**” shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
25. The terms “**you**” or “**Respondent**” shall mean the addressee of this Request; including, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

### QUESTIONS

- A. Following are the Questions regarding ownership and operation of the Facility you operated in Jefferson County, Texas. Please refer to the definitions for the words as they appear in this Information Request.
  1. Identify all parent corporations and all subsidiaries of the Respondent.
  2. Identify all the prior owners and operators of the Facility, if known to you. For each prior owner or operator include the following information:
    - a. The dates of ownership and/or operation;

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<sup>2</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal. The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

- b. The nature of their ownership or operation of the Facility; and
  - c. All evidence that a hazardous substance was released from the Facility into the Site during the period that they owned or operated the Facility.
3. Provide any and all documents relating to the acquisition and merger of Ameripol Inc., Synpol Inc., Ameripol Synpol, and Uniroyal.
4. Provide the following information about the Facility during the time the Respondent owned/operated the Facility. This information shall include, but not be limited to, the following:
- a. Groundwater wells, including drilling logs;
  - b. Location of all outfalls, active and inactive; including coordinates and dates of use;
  - c. Past and present storm water drainage systems (including subsurface disposal fields, and other underground structures). Also include where, when, and how such systems were emptied;
  - d. Past and current maps, photographs, and drawings of the Facility in your possession that show the historical development, growth, or change of the Facility from its inception up to its current state. This information shall include past and current aerial photographs of the Facility or parts of the Facility for this purpose.
5. Identify all past and present solid waste management units which have had releases or hydraulic connections (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on or about the Facility to the Site during the time the Respondent owned/operated the Facility. This information shall include, but not be limited to, the following:
- a. A map showing the boundaries and locations of all known active/inactive solid waste management units whether they are currently in operation, not in operation, open to the atmosphere, backfilled, or buried. This map should be drawn to scale, if possible, and shall clearly indicate the exact location of each unit with respect to the major features of the Facility;
  - b. The types of units, including their sizes (including vertical and horizontal dimensions) and capacities (including gallons, barrels, cubic and square feet);
  - c. The dates that the units were in use;

- d. The purpose and the current/past usage (e.g., disposal, storage, or spill containment, etc.) of the units;
- e. The quantity and types of materials (e.g., hazardous substances and any other chemicals) located in each unit;
- f. The construction (e.g., materials and composition, liners, leak detection systems, etc.), dates of cleaning, and the condition of each unit;
- g. If a unit is no longer in use, how each unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit; and
- h. Corrective actions initiated voluntarily or required by Federal, State or local laws or regulations.

6. Identify all leaks, spills, or releases of any hazardous substances from the Facility into the Site during the time the Respondent owned, operated, or leased the Facility or a portion thereof. This information shall include, but not be limited to, the following:

- a. When and where such releases occurred (e.g., from the surface impoundments). This information shall include detailed maps, drawings, and aerial photographs of the exact locations of these releases;
- b. How the releases occurred (e.g., when the substances were being stored, delivered by a vendor, transported or transferred [to or from any tanks, drums, barrels, or recovery units], or treated);
- c. The types (e.g., identify chemically [e.g., by trade name and compound] and physically [e.g., gas, liquid, or solid]) and the amounts of each hazardous substance so released;
- d. Any and all activities undertaken in response to each such release, including the notification of any agencies or governmental units about the release;
- e. Any and all investigations of the circumstances, nature, extent, or location of each release including, the results of any ground water, surface water, soil, or air testing undertaken;
- f. All persons with information relating to these releases; and
- g. Copies of any reports (e.g., Discharge Monitoring Reports [DMR violations of BOD, TSS, etc., that do not concern a hazardous substance are not requested], letters, written notifications, memorandums or any writings documenting such release.

7. Provide copies of all Federal, state, and local environmental permits ever granted for the Facility and the activities at the Facility or any part of the Facility (e.g., RCRA and National Pollutant Discharge and Elimination System, dredging permits, etc.) during the time the Respondent owned, operated or leased the Facility or a portion thereof.
  8. Provide copies of all past and current reports or information related to ground water or surface water contamination which may impact or have impacted the waters of the Star Lake and Jefferson Canals, Groves Drainage Ditch, and Molasses Bayou, including each surface water body's sediments.
  9. Has Respondent performed any sampling of the sediments mentioned in Question 8? If so, and the results were submitted to the Texas Natural Resource Conservation Commission (TNRCC) or EPA, please identify the sampling results documents so they can be retrieved and reviewed by EPA. If the results were not submitted to TNRCC or EPA, please provide them to EPA.
- 
10. Is the Respondent or its consultant(s) planning to perform investigations of the ground water, surface water, or soil on or about the Facility? If so, provide the following information:
    - a. What the nature and scope of these investigations will be,
    - b. The contractors or other persons that will undertake these investigations,
    - c. The purpose of the investigations,
    - d. The dates when such investigations will take place and be completed, and
    - e. Where on the Facility such investigations will take place.
  11. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following information:
    - a. The document retention policy between the time you owned/operated the Facility;
    - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
    - c. A description of the type of information that would have been contained in the documents;
    - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the

destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and

- e. The name and most current address of any person(s) who may possess documents relevant to this inquiry.

B. Following are the Questions regarding ownership and operation of the Star Lake Canal and/or Jefferson Canal. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify all the prior owners and operators of the Star Lake Canal and/or Jefferson Canal, if known to you. For each prior owner or operator include the following information:
  - a. The dates of ownership and/or operation;
  - b. The nature of their ownership or operation of the canals; and
  - c. All evidence that a hazardous substance was released into the canals during the period that they owned or operated the canals.
2. Provide the following information about the Star Lake Canal and/or Jefferson Canal during the time the Respondent owned/operated the Star Lake Canal and/or Jefferson Canal. This information shall include, but not be limited to, the following:
  - a. Locations of all outfalls, active and inactive; including coordinates and dates of use; and
  - b. Past and current maps, photographs, and drawings of the Star Lake Canal and/or Jefferson Canal in your possession. This information shall include past and current aerial photographs of the canals.
3. Identify all past and present solid waste management units which have had releases or hydraulic connections (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on or about the Star Lake Canal and/or Jefferson Canal during the time the Respondent owned/operated the Star Lake Canal and/or Jefferson Canal. This information shall include, but not be limited to, the following:
  - a. A map showing the boundaries and locations of all known active/inactive solid waste management units whether they are currently in operation, not in operation, open to the atmosphere, backfilled, or buried. This map should be drawn to scale, if possible, and shall clearly indicate the exact location of each unit with respect to the major features of the Star Lake Canal and/or Jefferson Canal;

- b. The types of units, including their sizes (including vertical and horizontal dimensions) and capacities (including gallons, barrels, cubic and square feet);
  - c. The dates that the units were in use;
  - d. The purpose and the current/past usage (e.g., disposal, storage, or spill containment, etc.) of the units;
  - e. The quantity and types of materials (e.g., hazardous substances and any other chemicals) located in each unit;
  - f. The construction (e.g., materials and composition, liners, leak detection systems, etc.), dates of cleaning, and the condition of each unit;
  - g. If a unit is no longer in use, how each unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit; and
  - h. Corrective actions initiated voluntarily or required by Federal, State or local laws or regulations.
4. Identify all leaks, spills, or releases of any hazardous substances into the Star Lake Canal and/or Jefferson Canal during the time the Respondent owned, operated, or leased the Star Lake Canal and/or Jefferson Canal or any portion thereof. This information shall include, but not be limited to, the following:
- a. When and where such releases occurred (e.g., from the surface impoundments). This information shall include detailed maps, drawings, and aerial photographs of the exact locations of these releases;
  - b. How the releases occurred (e.g., when the substances were being stored, delivered by a vendor, transported or transferred [to or from any tanks, drums, barrels, or recovery units], or treated);
  - c. The types (e.g., identify chemically [e.g., by trade name and compound] and physically [e.g., gas, liquid, or solid]) and the amounts of each hazardous substance so released;
  - d. Any and all activities undertaken in response to each such release, including the notification of any agencies or governmental units about the release;
  - e. Any and all investigations of the circumstances, nature, extent, or location of each release including, the results of any ground water, surface water, or soil testing undertaken;



- f. All persons with information relating to these releases; and
  - g. Copies of any reports (e.g., Discharge Monitoring Reports [DMR violations of BOD, TSS, etc.] that do not concern a hazardous substance are not requested), letters, written notifications, memorandums or any writings documenting such release.
5. Provide copies of all Federal, state, and local environmental permits ever granted for the Star Lake Canal and/or Jefferson Canal and the activities at the Star Lake Canal and/or Jefferson Canal or any portion thereof (e.g., RCRA and National Pollutant Discharge and Elimination System, etc.) during the time the Respondent owned, operated or leased the Star Lake Canal and/or Jefferson Canal or a portion thereof.
6. Provide copies of all Federal, State, and local dredging permit applications, dredging permit application sampling results, and dredging permits ever granted for the Star Lake Canal and/or Jefferson Canal or an portion thereof during the time the Respondent owned, operated, or leased Star Lake Canal and/or Jefferson Canal or a portion thereof.
7. Provide copies of all past and current reports or information related to ground water or surface water contamination which may impact or have impacted the waters of the Star Lake and Jefferson Canals, Groves Drainage Ditch, and Molasses Bayou, including each surface water body's sediments.
8. Has Respondent performed any sampling of the sediments mentioned in Question 7? If so, and the results were submitted to TNRCC or EPA, please identify the sampling results documents so the they can be retrieved and reviewed by EPA. If the results were not submitted to TNRCC or EPA, please provide them to EPA.
9. Is the Respondent or its consultant(s) planning to perform investigations of the ground water, surface water, or soil on or about the Star Lake and/or Jefferson Canal? If so, provide the following information:
- a. What the nature and scope of these investigations will be,
  - b. The contractors or other persons that will undertake these investigations,
  - c. The purpose of the investigations,
  - d. The dates when such investigations will take place and be completed, and
  - e. Where on the canals such investigations will take place.

10. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following information:
- a. The document retention policy between the time you owned/operated the Star Lake and/or Jefferson Canal;
  - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents;
  - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
  - e. The name and most current address of any person(s) who may possess documents relevant to this inquiry.

**ENCLOSURE B**  
**PARTIES RECEIVING INFORMATION REQUESTS**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**  
**FEBRUARY 11, 2003**

American Cyanamid Company  
Five Giralda Farms  
Madison, New Jersey 07940

Prentice Hall Corporate Systems  
Registered Agent for American Cyanamid Company  
800 Brazos  
Austin, TX 78701

Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

Randy Beskow  
Registered Agent for Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

The Uniroyal Goodrich Tire Corporation  
280 Park Avenue  
New York, NY 10017-1216

Capitol Commerce Reporter, Inc.  
Registered Agent for The Uniroyal Goodrich Tire Corporation  
1301 South Interstate Highway 35, Suite 100  
Austin, TX 78741

Calabrian Chemicals Corporation (Chemall, Inc.)  
5500 Highway 366  
Port Neches, TX 77651-6300

Lance Fox  
Registered Agent for Calabrian Chemicals Corporation (Chemall, Inc.)  
470 Orleans Street  
Beaumont, TX 77701

Huntsman Petrochemical Corporation  
6001 Highway 366  
Port Neches, TX 77651-6304

C. T. Corporation System  
Registered Agent for Huntsman Petrochemical Corporation  
350 North St. Paul Street  
Dallas, TX 75201

Jefferson County Drainage District Number 7  
4401 9<sup>th</sup> Avenue  
Port Arthur, TX 77640

Texaco, Inc.  
1111 Bagby Street  
Houston, TX 77002

Prentice Hall Corporation System, Inc.  
Registered Agent for Texaco, Inc.  
800 Brazos Street  
Austin, TX 78701

Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
P.O. Box 1404  
Houston, Texas 77251

J. Frank Kinsel  
Registered Agent for Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
1111 Rusk Street  
Houston, TX 77002



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

MAR 18 2003

VIA CERTIFIED MAIL (NUMBER 7001 0360 0003  
RETURN RECEIPT REQUESTED 6670 0184 )  
URGENT LEGAL MATTER; PROMPT REPLY REQUESTED

David L. Hatcher  
Registered Agent for KMG - Bernuth, Inc.  
10611 Harwin, STE. 400  
Houston, TX 77036

Re: Request for Information Pursuant to Section 104 of CERCLA (42 U.S.C. Section 9604)  
Owners/Operators  
Star Lake Canal Superfund Site  
Jefferson County, Texas

Dear Sir or Madam:

The U. S. Environmental Protection Agency (EPA) is currently investigating the releases or threatened releases of hazardous substances, pollutants, or contaminants at the Star Lake Canal Superfund Site (hereinafter "the Site"), in the proximity of Groves, Texas. This letter seeks your cooperation in providing information and documents relating to the contamination of the Site.

The EPA is seeking to obtain information concerning the release of hazardous substances, pollutants, or contaminants that have been released into the Site. The EPA plans to study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. The EPA believes that you may have information which may assist in our investigation of the Site. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A (Information Request, Star Lake Canal Superfund Site), within thirty (30) calendar days of your receipt of this letter. Enclosure B lists parties who are also receiving Information Request letters concerning the Site.

## **SITE BACKGROUND**

The Site, which includes two industrial waste canals, the Star Lake Canal and the Jefferson Canal<sup>1</sup>, and Molasses Bayou is located in Jefferson County, Texas, in the cities of Port Neches and Groves. The Site is defined as the lengths of these two industrial canals from their origins to the confluence of the Star Lake Canal with the Neches River. The straight line distance along the Star Lake Canal from its origin east of the intersection of Highway 136 and FM 366 to its confluence with the Neches River is approximately 16,500 feet. The straight line distance along the Jefferson Canal from its origin on the east side of Hogaboom Road South of FM 366 to its confluence with the Star Lake Canal north of the Hurricane Protection Levee is approximately 4,000 feet. The Groves Drainage Ditch extends approximately 500 feet between its origin in a surface impoundment south of FM 366 to its confluence with the Jefferson Canal at FM 366. Between Sara Jane Road 9 (aka Port Neches Avenue) and the river, the Star Lake Canal crosses marshes and intersects the Molasses Bayou in two locations.

The Texas Natural Resource Conservation Commission collected sediment samples in 1996 and 1998 from Star Lake Canal, Jefferson Canal, and Molasses Bayou and found elevated concentrations of chromium, copper, polynuclear aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs) in the canal sediments and elevated concentrations of copper, PAHs, and pesticides in the Molasses Bayou wetlands. The known area of contaminated sediments extends more than 2 miles, spanning portions of the canals and the bayou to within 1/4 of a mile of the convergence with the Neches River.

## **DESCRIPTION OF LEGAL AUTHORITY**

The Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. §§ 9601 *et. seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986, gives EPA authority to, among other things: (1) assess contaminated sites; (2) determine the threats to human health and the environment posed by each site; and, (3) clean up those sites. The CERCLA also provides EPA with several methods of obtaining various types of information from a wide range of entities. Section 104(e), entitled "Information Gathering and Access," grants EPA authority to issue "Information Requests."

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<sup>1</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal. The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

## **INFORMATION REQUESTS**

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority which allows it to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; and,
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under Federal law. Although you may consider some of the information EPA is requesting to be confidential, please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality. If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted along with this Information Request.

Your response to the questions included in Enclosure A, including any "technical" questions regarding the scope of the Information Request or questions you may have about the Site, should be directed to:

Mr. Rafael A. Casanova, Remedial Project Manager  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-AP)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-7437  
Facsimile: (214) 665-6660  
E-Mail: casanova.rafael@epa.gov

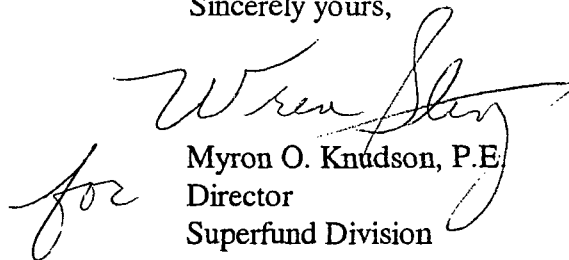
Specific "legal" questions concerning this Information Request or the Site should be directed to:

Mr. Edwin Quinones, Attorney  
U.S. Environmental Protection Agency, Region 6  
Office of Regional Counsel (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-8035  
Facsimile: (214) 665-6460  
E-Mail: quinones.edwin@epa.gov

### CONCLUSION

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A within thirty (30) calendar days of your receipt of this letter. Please contact Mr. Edwin Quinones if you need additional time to prepare a response. Thank you in advance for your cooperation in responding to this Information Request. We are looking forward to working closely with you in the future.

Sincerely yours,

  
for Myron O. Knudson, P.E.  
Director  
Superfund Division

Enclosures (2)

cc: Mr. Mark Vickery (Deputy Director)  
Office of Permitting, Remediation and Registration  
Texas Commission on Environmental Quality



**ENCLOSURE A**  
**INFORMATION REQUEST**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**

This Information Request asks that you provide certain information regarding the Star Lake Superfund Site (hereinafter "the Site") in Jefferson County, Texas. The U.S. Environmental Protection Agency (EPA, Region 6) is currently seeking information relating to the identification, nature, and quantity of materials which have been released into the Site, and the nature or extent of the release or threatened release of hazardous substances or pollutants or contaminants into the Site.

Compliance with this Information Request is mandatory and required by Federal law. Failure to respond fully and truthfully to the Information Request within thirty (30) calendar days of receipt may result in the initiation of enforcement action by EPA pursuant to Subsection 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. § 9604(e). The CERCLA permits EPA to seek the imposition of penalties of up to twenty-seven thousand, five hundred dollars (\$27,500) for each day of continued non-compliance. Furnishing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Should you find that any portion of your submission is incorrect or false, you should notify EPA as soon as possible. This Information Request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Following are the "instructions" that you should adhere to in responding to this Information Request, the "definitions" that apply to the words as they appear in this Information Request, and the "Questions" that you should provide a response for as part of this Information Request. Unless otherwise indicated, the time period covered by this request is 1940 to the present.

**INSTRUCTIONS**

Following are the instructions you should adhere to in responding to this Information Request. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify the person(s) answering the Questions on behalf of the Respondent and each person(s) that you relied on or consulted in the preparation of the answer.
2. A separate narrative response must be made to each and every Question, and Subpart(s) of each Question, set forth in this Information Request.
3. Precede each narrative response with the number of the Question (or Subpart[s]) and the Question (or Subpart[s]) to which it corresponds.

4. For each and every Question contained herein, identify each of the documents consulted, examined, or referred to in the preparation of the answer or that contained information responsive to the Question and provide true and accurate copies of each of these documents. Organize the document copies according to the corresponding Question. For each document produced in your response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (or Subpart[s]) to which the document corresponds.
5. For each question contained in this Information Request, if information or documents responsive to this Information Request are not in your possession, custody, or control, please identify the person(s) from whom such information or documents may be obtained.
6. Identify any person you think may be able to provide a more detailed or complete response to any Question contained herein, along with the additional information or documents that you think they may have.
7. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, although correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide a corrected response.
8. Provide responses to the best of your ability, even if the information sought was never written or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.
9. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Section 9604(e)(7)(E) and (F).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;

- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantially harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type, the word "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents, should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public without further notice to you.

10. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 CFR 2.310(h), even if you assert that all or part of the information is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are

submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.

11. The disclosure of personnel and medical files, etc., which the general public may constitute as invasion of privacy, should be segregated from your responses, included on a separate sheet(s), and marked as "Personal Privacy Information."
12. If you have objections to some or all of the questions included with this Information Request, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear herein. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act (RCRA), in which case the statutory or regulatory definitions shall apply. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular Question or Questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

1. The terms "**and**" and "**or**" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "**any**" (e.g., as in "any documents"), shall mean "any and all."
3. The term "**arrangement**" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "**asset**" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.
5. The term "**document(s)**" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings/agreements and

the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document, and every document referred to in any other document.

6. The term **"Facility"** or **"Facilities"** shall mean industries operating in the vicinity of the Star Lake Superfund Site. The term shall include, but is not limited to, the Tank Farm (located at the northeast corner of Highway 136 and FM 366), Rectangular Ponds (located south of the Tank Farm and south of FM 366), Nine Above-Ground Storage Tanks (located north of FM 366 between Pine Street and Orchard Avenue and less than 500 feet east of the Tank Farm), Solid Waste Landfill (located northeast of the intersection of FM 366 and Orchard Avenue), Waste Water Treatment Plant (located at the southwest corner of Highway 136 and FM 366), Petrochemical Plant (located at the southwest corner of the intersection of FM 366 and Hogaboom Road), Chemical Plant (located at the southeast corner of Hogaboom Road and FM 366), and Industrial Gas Plant (located northeast of the corner of Hogaboom Road and Wilson Avenue).
7. The term **"hazardous material"** shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
8. The term **"hazardous substance"** shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances.
9. The term **"hazardous waste"** shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR Part 261.
10. The term **"identify"** shall mean, with respect to a natural person, to set forth the person's name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.
11. The term **"identify"** shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief

description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.

12. The term **"identify"** shall mean, with respect to a document, to provide the type of document. This information includes the document's customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.
13. The term **"identify"** shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
14. The term **"material(s)"** shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
15. The term **"operator"** shall mean those persons who once owned or operated the facility from which hazardous substances were released into the Site..
16. The term **"owner"** shall mean those persons who owned the facility from which hazardous substances were released into the Site.
17. The term **"person"** shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
18. The terms **"pollutant"** or **"contaminant,"** shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
19. The term **"property interest"** shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns

or rents, or owned or rented property.

20. The term **“real estate”** shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.
21. The term **“release”** has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
22. The term **“Site”** shall mean and include the Star Lake Superfund Site, which includes the Star Lake Canal, Jefferson Canal<sup>2</sup>, and Molasses Bayou.
23. The term **“solid waste”** shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 40 CFR Part 261.
24. The terms **“transaction”** or **“transact”** shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
25. The terms **“you”** or **“Respondent”** shall mean the addressee of this Request; including, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

### QUESTIONS

Following are the Questions. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify all parent corporations and all subsidiaries of the Respondent, KMG-Bernuth, Inc.
2. Provide Articles of Incorporation (including any amendments thereto), Certificates of Authority (including any amendments thereto), list of corporate officers, date of incorporation and state of incorporation for Respondent, KMG-Bernuth, Inc.
3. Provide corporate history of Respondent, KMG-Bernuth, Inc. including, but not limited to, mergers with other corporations, acquisitions of other corporations and name changes of Respondent, KMG-Bernuth, Inc., since its date of incorporation.

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<sup>2</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal. The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

4. Identify any and all ties, including but not limited to mergers, acquisitions, name changes and corporate history transactions, that Respondent, KMG-Bernuth, Inc., has or had with the following businesses:

Dayburn Chemical Company  
Sonford Chemical Company  
Harwin Interests, Inc.  
QED Laboratories, Inc.  
KMG Services Corp.  
KMG Services, Inc.

5. Identify any and all business transactions, including but not limited to contracts, sales and/or purchases, and assumptions of liability, that Respondent, KMG-Bernuth, Inc., has or had with the following businesses:

Dayburn Chemical Company  
Sonford Chemical Company  
Harwin Interests, Inc.  
QED Laboratories, Inc.  
KMG Services Corp.  
KMG Services, Inc.

6. Identify any and all ties, including but not limited to corporate/officer positions, sales and/or purchases, contracts and assumptions of liability, that Respondent, KMG-Bernuth, Inc., has or had with David B. Hatcher and/or David L. Hatcher.



**ENCLOSURE B**  
**PARTIES RECEIVING INFORMATION REQUESTS**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**  
**FEBRUARY 13, 2003**

American Cyanamid Company  
Five Giralda Farms  
Madison, New Jersey 07940

Prentice Hall Corporate Systems  
Registered Agent for American Cyanamid Company  
800 Brazos  
Austin, TX 78701

Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

Randy Beskow  
Registered Agent for Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

The Uniroyal Goodrich Tire Corporation  
280 Park Avenue  
New York, NY 10017-1216

Capitol Commerce Reporter, Inc.  
Registered Agent for The Uniroyal Goodrich Tire Corporation  
1301 South Interstate Highway 35, Suite 100  
Austin, TX 78741

Calabrian Chemicals Corporation (Chemall, Inc.)  
5500 Highway 366  
Port Neches, TX 77651-6300

Lance Fox  
Registered Agent for Calabrian Chemicals Corporation (Chemall, Inc.)  
470 Orleans Street  
Beaumont, TX 77701

Huntsman Petrochemical Corporation  
6001 Highway 366  
Port Neches, TX 77651-6304

C. T. Corporation System  
Registered Agent for Huntsman Petrochemical Corporation  
350 North St. Paul Street  
Dallas, TX 75201

Jefferson County Drainage District Number 7  
4401 9<sup>th</sup> Avenue  
Port Arthur, TX 77640

Texaco, Inc.  
1111 Bagby Street  
Houston, TX 77002

Prentice Hall Corporation System, Inc.  
Registered Agent for Texaco, Inc.  
800 Brazos Street  
Austin, TX 78701

Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
P.O. Box 1404  
Houston, Texas 77251

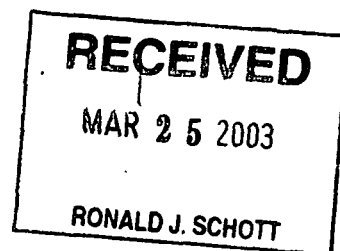
J. Frank Kinsel  
Registered Agent for Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
1111 Rusk Street  
Houston, TX 77002



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

MAR 18 2003



VIA CERTIFIED MAIL (NUMBER 7001 0360 0003  
6670 0023 )  
RETURN RECEIPT REQUESTED  
URGENT LEGAL MATTER; PROMPT REPLY REQUESTED

CT Corporation System  
Registered Agent for Goodrich Corporation  
111 Eighth Avenue  
New York, NY 10011

Re: Request for Information Pursuant to Section 104 of CERCLA (42 U.S.C. Section 9604)  
Owners/Operators  
Star Lake Canal Superfund Site  
Jefferson County, Texas

Dear Sir or Madam:

The U. S. Environmental Protection Agency (EPA) is currently investigating the releases or threatened releases of hazardous substances, pollutants, or contaminants at the Star Lake Canal Superfund Site (hereinafter "the Site"), in the proximity of Groves, Texas. This letter seeks your cooperation in providing information and documents relating to the contamination of the Site.

The EPA is seeking to obtain information concerning the release of hazardous substances, pollutants, or contaminants that have been released into the Site. The EPA plans to study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. The EPA believes that you may have information which may assist in our investigation of the Site. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A (Information Request, Star Lake Canal Superfund Site), within thirty (30) calendar days of your receipt of this letter. Enclosure B lists parties who are also receiving Information Request letters concerning the Site.

## **SITE BACKGROUND**

The Site, which includes two industrial waste canals, the Star Lake Canal and the Jefferson Canal<sup>1</sup>, and Molasses Bayou is located in Jefferson County, Texas, in the cities of Port Neches and Groves. The Site is defined as the lengths of these two industrial canals from their origins to the confluence of the Star Lake Canal with the Neches River. The straight line distance along the Star Lake Canal from its origin east of the intersection of Highway 136 and FM 366 to its confluence with the Neches River is approximately 16,500 feet. The straight line distance along the Jefferson Canal from its origin on the east side of Hogaboom Road South of FM 366 to its confluence with the Star Lake Canal north of the Hurricane Protection Levee is approximately 4,000 feet. The Groves Drainage Ditch extends approximately 500 feet between its origin in a surface impoundment south of FM 366 to its confluence with the Jefferson Canal at FM 366. Between Sara Jane Road 9 (aka Port Neches Avenue) and the river, the Star Lake Canal crosses marshes and intersects the Molasses Bayou in two locations.

The Texas Natural Resource Conservation Commission collected sediment samples in 1996 and 1998 from Star Lake Canal, Jefferson Canal, and Molasses Bayou and found elevated concentrations of chromium, copper, polynuclear aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs) in the canal sediments and elevated concentrations of copper, PAHs, and pesticides in the Molasses Bayou wetlands. The known area of contaminated sediments extends more than 2 miles, spanning portions of the canals and the bayou to within 1/4 of a mile of the convergence with the Neches River.

## **DESCRIPTION OF LEGAL AUTHORITY**

The Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. §§ 9601 *et. seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986, gives EPA authority to, among other things: (1) assess contaminated sites; (2) determine the threats to human health and the environment posed by each site; and, (3) clean up those sites. The CERCLA also provides EPA with several methods of obtaining various types of information from a wide range of entities. Section 104(e), entitled "Information Gathering and Access," grants EPA authority to issue "Information Requests."

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<sup>1</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal. The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

## **INFORMATION REQUESTS**

Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), EPA has broad information gathering authority which allows it to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; and,
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under Federal law. Although you may consider some of the information EPA is requesting to be confidential, please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality. If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted along with this Information Request.

Your response to the questions included in Enclosure A, including any "technical" questions regarding the scope of the Information Request or questions you may have about the Site, should be directed to:

Mr. Rafael A. Casanova, Remedial Project Manager  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-AP)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-7437  
Facsimile: (214) 665-6660  
E-Mail: casanova.rafael@epa.gov

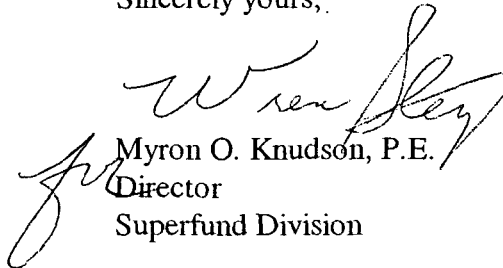
Specific "legal" questions concerning this Information Request or the Site should be directed to:

Mr. Edwin Quinones, Attorney  
U.S. Environmental Protection Agency, Region 6  
Office of Regional Counsel (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
Telephone: (214) 665-8035  
Facsimile: (214) 665-6460  
E-Mail: quinones.edwin@epa.gov

### CONCLUSION

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to each of the questions included in Enclosure A within thirty (30) calendar days of your receipt of this letter. Please contact Mr. Edwin Quinones if you need additional time to prepare a response. Thank you in advance for your cooperation in responding to this Information Request. We are looking forward to working closely with you in the future.

Sincerely yours,



Myron O. Knudson, P.E.  
Director  
Superfund Division

Enclosures

cc: Mr. Mark Vickery (Deputy Director)  
Office of Permitting, Remediation and Registration  
Texas Commission on Environmental Quality

**ENCLOSURE A**  
**INFORMATION REQUEST**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**

This Information Request asks that you provide certain information regarding the Star Lake Superfund Site (hereinafter "the Site") in Jefferson County, Texas. The U.S. Environmental Protection Agency (EPA, Region 6) is currently seeking information relating to the identification, nature, and quantity of materials which have been released into the Site, and the nature or extent of the release or threatened release of hazardous substances or pollutants or contaminants into the Site.

Compliance with this Information Request is mandatory and required by Federal law. Failure to respond fully and truthfully to the Information Request within thirty (30) calendar days of receipt may result in the initiation of enforcement action by EPA pursuant to Subsection 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. § 9604(e). The CERCLA permits EPA to seek the imposition of penalties of up to twenty-seven thousand, five hundred dollars (\$27,500) for each day of continued non-compliance. Furnishing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Should you find that any portion of your submission is incorrect or false, you should notify EPA as soon as possible. This Information Request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Following are the "instructions" that you should adhere to in responding to this Information Request, the "definitions" that apply to the words as they appear in this Information Request, and the "Questions" that you should provide a response for as part of this Information Request. Unless otherwise indicated, the time period covered by this request is 1940 to the present.

**INSTRUCTIONS**

Following are the instructions you should adhere to in responding to this Information Request. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify the person(s) answering the Questions on behalf of the Respondent and each person(s) that you relied on or consulted in the preparation of the answer.
2. A separate narrative response must be made to each and every Question, and Subpart(s) of each Question, set forth in this Information Request.
3. Precede each narrative response with the number of the Question (or Subpart[s]) and the Question (or Subpart[s]) to which it corresponds.

4. For each and every Question contained herein, identify each of the documents consulted, examined, or referred to in the preparation of the answer or that contained information responsive to the Question and provide true and accurate copies of each of these documents. Organize the document copies according to the corresponding Question. For each document produced in your response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (or Subpart[s]) to which the document corresponds.
5. For each question contained in this Information Request, if information or documents responsive to this Information Request are not in your possession, custody, or control, please identify the person(s) from whom such information or documents may be obtained.
6. Identify any person you think may be able to provide a more detailed or complete response to any Question contained herein, along with the additional information or documents that you think they may have.
7. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, although correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide a corrected response.
8. Provide responses to the best of your ability, even if the information sought was never written or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Information Request.
9. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Section 9604(e)(7)(E) and (F).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;



- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantially harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type, the word "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents, should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public without further notice to you.

10. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 CFR 2.310(h), even if you assert that all or part of the information is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing

the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) calendar days of receiving this Information Request.

11. The disclosure of personnel and medical files, etc., which the general public may constitute as invasion of privacy, should be segregated from your responses, included on a separate sheet(s), and marked as "Personal Privacy Information."
12. If you have objections to some or all of the questions included with this Information Request, you are still required to respond to each of the questions.

### **DEFINITIONS**

The following definitions shall apply to the following words as they appear herein. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act (RCRA), in which case the statutory or regulatory definitions shall apply. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular Question or Questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

1. The terms "**and**" and "**or**" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "**any**" (e.g., as in "any documents"), shall mean "any and all."
3. The term "**arrangement**" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "**asset**" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.
5. The term "**document(s)**" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes,

memorandum of telephone and other conversations including meetings/agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document, and every document referred to in any other document.

6. The term **“Facility”** or **“Facilities”** shall mean industries operating in the vicinity of the Star Lake Superfund Site. The term shall include, but is not limited to, the Tank Farm (located at the northeast corner of Highway 136 and FM 366), Rectangular Ponds (located south of the Tank Farm and south of FM 366), Nine Above-Ground Storage Tanks (located north of FM 366 between Pine Street and Orchard Avenue and less than 500 feet east of the Tank Farm), Solid Waste Landfill (located northeast of the intersection of FM 366 and Orchard Avenue), Waste Water Treatment Plant (located at the southwest corner of Highway 136 and FM 366), Petrochemical Plant (located at the southwest corner of the intersection of FM 366 and Hogaboom Road), Chemical Plant (located at the southeast corner of Hogaboom Road and FM 366), and Industrial Gas Plant (located northeast of the corner of Hogaboom Road and Wilson Avenue).
7. The term **“hazardous material”** shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
8. The term **“hazardous substance”** shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances.
9. The term **“hazardous waste”** shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR Part 261.
10. The term **“identify”** shall mean, with respect to a natural person, to set forth the person’s name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.
11. The term **“identify”** shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation

[including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.

12. The term **“identify”** shall mean, with respect to a document, to provide the type of document. This information includes the document’s customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.
13. The term **“identify”** shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
14. The term **“material(s)”** shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
15. The term **“operator”** shall mean those persons who once owned or operated the facility from which hazardous substances were released into the Site..
16. The term **“owner”** shall mean those persons who owned the facility from which hazardous substances were released into the Site.
17. The term **“person”** shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C. § 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
18. The terms **“pollutant”** or **“contaminant,”** shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
19. The term **“property interest”** shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned

or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

20. The term “**real estate**” shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.
21. The term “**release**” has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
22. The term “**Site**” shall mean and include the Star Lake Superfund Site, which includes the Star Lake Canal, Jefferson Canal<sup>2</sup>, and Molasses Bayou.
23. The term “**solid waste**” shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 40 CFR Part 261.
24. The terms “**transaction**” or “**transact**” shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
25. The terms “**you**” or “**Respondent**” shall mean the addressee of this Request; including, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

### QUESTIONS

- A. Following are the Questions regarding ownership and operation of the Facility you operated in Jefferson County, Texas. Please refer to the definitions for the words as they appear in this Information Request.
  1. Identify all parent corporations and all subsidiaries of the Respondent.
  2. Identify all the prior owners and operators of the Facility, if known to you. For each prior owner or operator include the following information:
    - a. The dates of ownership and/or operation;

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<sup>2</sup>The Star Lake Canal is also known as the Defense Plant Corporation Canal, the Neches Butane Outfall Canal, the Neches Butane Products Company Outfall Canal, and the Texaco Chemical Outfall Canal. The Jefferson Canal is also known as the Texaco Chemical Company Outfall Canal, the Jefferson County Canal, the Star Lake Outfall Canal, and the Texaco Chemical Company Stormwater Canal.

- b. The nature of their ownership or operation of the Facility; and
  - c. All evidence that a hazardous substance was released from the Facility into the Site during the period that they owned or operated the Facility.
3. Provide any and all documents relating to the acquisition and merger of Ameripol Inc., Synpol Inc., Ameripol Synpol, and Uniroyal.
4. Provide the following information about the Facility during the time the Respondent owned/operated the Facility. This information shall include, but not be limited to, the following:
- a. Groundwater wells, including drilling logs;
  - b. Location of all outfalls, active and inactive; including coordinates and dates of use;
  - c. Past and present storm water drainage systems (including subsurface disposal fields, and other underground structures). Also include where, when, and how such systems were emptied;
  - d. Past and current maps, photographs, and drawings of the Facility in your possession that show the historical development, growth, or change of the Facility from its inception up to its current state. This information shall include past and current aerial photographs of the Facility or parts of the Facility for this purpose.
5. Identify all past and present solid waste management units which have had releases or hydraulic connections (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on or about the Facility to the Site during the time the Respondent owned/operated the Facility. This information shall include, but not be limited to, the following:
- a. A map showing the boundaries and locations of all known active/inactive solid waste management units whether they are currently in operation, not in operation, open to the atmosphere, backfilled, or buried. This map should be drawn to scale, if possible, and shall clearly indicate the exact location of each unit with respect to the major features of the Facility;
  - b. The types of units, including their sizes (including vertical and horizontal dimensions) and capacities (including gallons, barrels, cubic and square feet);
  - c. The dates that the units were in use;

- d. The purpose and the current/past usage (e.g., disposal, storage, or spill containment, etc.) of the units;
- e. The quantity and types of materials (e.g., hazardous substances and any other chemicals) located in each unit;
- f. The construction (e.g., materials and composition, liners, leak detection systems, etc.), dates of cleaning, and the condition of each unit;
- g. If a unit is no longer in use, how each unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit; and
- h. Corrective actions initiated voluntarily or required by Federal, State or local laws or regulations.

6. Identify all leaks, spills, or releases of any hazardous substances from the Facility into the Site during the time the Respondent owned, operated, or leased the Facility or a portion thereof. This information shall include, but not be limited to, the following:

- a. When and where such releases occurred (e.g., from the surface impoundments). This information shall include detailed maps, drawings, and aerial photographs of the exact locations of these releases;
- b. How the releases occurred (e.g., when the substances were being stored, delivered by a vendor, transported or transferred [to or from any tanks, drums, barrels, or recovery units], or treated);
- c. The types (e.g., identify chemically [e.g., by trade name and compound] and physically [e.g., gas, liquid, or solid]) and the amounts of each hazardous substance so released;
- d. Any and all activities undertaken in response to each such release, including the notification of any agencies or governmental units about the release;
- e. Any and all investigations of the circumstances, nature, extent, or location of each release including, the results of any ground water, surface water, soil, or air testing undertaken;
- f. All persons with information relating to these releases; and
- g. Copies of any reports (e.g., Discharge Monitoring Reports [DMR violations of BOD, TSS, etc., that do not concern a hazardous substance are not requested], letters, written notifications, memorandums or any writings documenting such release.

7. Provide copies of all Federal, state, and local environmental permits ever granted for the Facility and the activities at the Facility or any part of the Facility (e.g., RCRA and National Pollutant Discharge and Elimination System, dredging permits, etc.) during the time the Respondent owned, operated or leased the Facility or a portion thereof.
8. Provide copies of all past and current reports or information related to ground water or surface water contamination which may impact or have impacted the waters of the Star Lake and Jefferson Canals, Groves Drainage Ditch, and Molasses Bayou, including each surface water body's sediments.
9. Has Respondent performed any sampling of the sediments mentioned in Question 8? If so, and the results were submitted to the Texas Natural Resource Conservation Commission (TNRCC) or EPA, please identify the sampling results documents so they can be retrieved and reviewed by EPA. If the results were not submitted to TNRCC or EPA, please provide them to EPA.
10. Is the Respondent or its consultant(s) planning to perform investigations of the ground water, surface water, or soil on or about the Facility? If so, provide the following information:
  - a. What the nature and scope of these investigations will be,
  - b. The contractors or other persons that will undertake these investigations,
  - c. The purpose of the investigations,
  - d. The dates when such investigations will take place and be completed, and
  - e. Where on the Facility such investigations will take place.
11. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following information:
  - a. The document retention policy between the time you owned/operated the Facility;
  - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents;
  - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the



destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and

- e. The name and most current address of any person(s) who may possess documents relevant to this inquiry.

B. Following are the Questions regarding ownership and operation of the Star Lake Canal and/or Jefferson Canal. Please refer to the definitions for the words as they appear in this Information Request.

1. Identify all the prior owners and operators of the Star Lake Canal and/or Jefferson Canal, if known to you. For each prior owner or operator include the following information:
  - a. The dates of ownership and/or operation;
  - b. The nature of their ownership or operation of the canals; and
  - c. All evidence that a hazardous substance was released into the canals during the period that they owned or operated the canals.
2. Provide the following information about the Star Lake Canal and/or Jefferson Canal during the time the Respondent owned/operated the Star Lake Canal and/or Jefferson Canal. This information shall include, but not be limited to, the following:
  - a. Locations of all outfalls, active and inactive; including coordinates and dates of use; and
  - b. Past and current maps, photographs, and drawings of the Star Lake Canal and/or Jefferson Canal in your possession. This information shall include past and current aerial photographs of the canals.
3. Identify all past and present solid waste management units which have had releases or hydraulic connections (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on or about the Star Lake Canal and/or Jefferson Canal during the time the Respondent owned/operated the Star Lake Canal and/or Jefferson Canal. This information shall include, but not be limited to, the following:
  - a. A map showing the boundaries and locations of all known active/inactive solid waste management units whether they are currently in operation, not in operation, open to the atmosphere, backfilled, or buried. This map should be drawn to scale, if possible, and shall clearly indicate the exact location of each unit with respect to the major features of the Star Lake Canal and/or Jefferson Canal;

- b. The types of units, including their sizes (including vertical and horizontal dimensions) and capacities (including gallons, barrels, cubic and square feet);
  - c. The dates that the units were in use;
  - d. The purpose and the current/past usage (e.g., disposal, storage, or spill containment, etc.) of the units;
  - e. The quantity and types of materials (e.g., hazardous substances and any other chemicals) located in each unit;
  - f. The construction (e.g., materials and composition, liners, leak detection systems, etc.), dates of cleaning, and the condition of each unit;
  - g. If a unit is no longer in use, how each unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit; and
  - h. Corrective actions initiated voluntarily or required by Federal, State or local laws or regulations.
4. Identify all leaks, spills, or releases of any hazardous substances into the Star Lake Canal and/or Jefferson Canal during the time the Respondent owned, operated, or leased the Star Lake Canal and/or Jefferson Canal or any portion thereof. This information shall include, but not be limited to, the following:
- a. When and where such releases occurred (e.g., from the surface impoundments). This information shall include detailed maps, drawings, and aerial photographs of the exact locations of these releases;
  - b. How the releases occurred (e.g., when the substances were being stored, delivered by a vendor, transported or transferred [to or from any tanks, drums, barrels, or recovery units], or treated);
  - c. The types (e.g., identify chemically [e.g., by trade name and compound] and physically [e.g., gas, liquid, or solid]) and the amounts of each hazardous substance so released;
  - d. Any and all activities undertaken in response to each such release, including the notification of any agencies or governmental units about the release;
  - e. Any and all investigations of the circumstances, nature, extent, or location of each release including, the results of any ground water, surface water, or soil testing undertaken;

- f. All persons with information relating to these releases; and
  - g. Copies of any reports (e.g., Discharge Monitoring Reports [DMR violations of BOD, TSS, etc.] that do not concern a hazardous substance are not requested), letters, written notifications, memorandums or any writings documenting such release.
5. Provide copies of all Federal, state, and local environmental permits ever granted for the Star Lake Canal and/or Jefferson Canal and the activities at the Star Lake Canal and/or Jefferson Canal or any portion thereof (e.g., RCRA and National Pollutant Discharge and Elimination System, etc.) during the time the Respondent owned, operated or leased the Star Lake Canal and/or Jefferson Canal or a portion thereof.
6. Provide copies of all Federal, State, and local dredging permit applications, dredging permit application sampling results, and dredging permits ever granted for the Star Lake Canal and/or Jefferson Canal or an portion thereof during the time the Respondent owned, operated, or leased Star Lake Canal and/or Jefferson Canal or a portion thereof.
7. Provide copies of all past and current reports or information related to ground water or surface water contamination which may impact or have impacted the waters of the Star Lake and Jefferson Canals, Groves Drainage Ditch, and Molasses Bayou, including each surface water body's sediments.
8. Has Respondent performed any sampling of the sediments mentioned in Question 7? If so, and the results were submitted to TNRCC or EPA, please identify the sampling results documents so the they can be retrieved and reviewed by EPA. If the results were not submitted to TNRCC or EPA, please provide them to EPA.
9. Is the Respondent or its consultant(s) planning to perform investigations of the ground water, surface water, or soil on or about the Star Lake and/or Jefferson Canal? If so, provide the following information:
- a. What the nature and scope of these investigations will be,
  - b. The contractors or other persons that will undertake these investigations,
  - c. The purpose of the investigations,
  - d. The dates when such investigations will take place and be completed, and
  - e. Where on the canals such investigations will take place.

10. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following information:
- a. The document retention policy between the time you owned/operated the Star Lake and/or Jefferson Canal;
  - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents;
  - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
  - e. The name and most current address of any person(s) who may possess documents relevant to this inquiry.

**ENCLOSURE B**  
**PARTIES RECEIVING INFORMATION REQUESTS**  
**STAR LAKE SUPERFUND SITE**  
**JEFFERSON COUNTY, TEXAS**  
**FEBRUARY 11, 2003**

American Cyanamid Company  
Five Giralda Farms  
Madison, New Jersey 07940

Prentice Hall Corporate Systems  
Registered Agent for American Cyanamid Company  
800 Brazos  
Austin, TX 78701

Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

Randy Beskow  
Registered Agent for Ameripol Synpol Corporation  
1215 Main Street  
Port Neches, TX 77651-3038

The Uniroyal Goodrich Tire Corporation  
280 Park Avenue  
New York, NY 10017-1216

Capitol Commerce Reporter, Inc.  
Registered Agent for The Uniroyal Goodrich Tire Corporation  
1301 South Interstate Highway 35, Suite 100  
Austin, TX 78741

Calabrian Chemicals Corporation (Chemall, Inc.)  
5500 Highway 366  
Port Neches, TX 77651-6300

Lance Fox  
Registered Agent for Calabrian Chemicals Corporation (Chemall, Inc.)  
470 Orleans Street  
Beaumont, TX 77701

Huntsman Petrochemical Corporation  
6001 Highway 366  
Port Neches, TX 77651-6304

C. T. Corporation System  
Registered Agent for Huntsman Petrochemical Corporation  
350 North St. Paul Street  
Dallas, TX 75201

Jefferson County Drainage District Number 7  
4401 9<sup>th</sup> Avenue  
Port Arthur, TX 77640

Texaco, Inc.  
1111 Bagby Street  
Houston, TX 77002

Prentice Hall Corporation System, Inc.  
Registered Agent for Texaco, Inc.  
800 Brazos Street  
Austin, TX 78701

Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
P.O. Box 1404  
Houston, Texas 77251

J. Frank Kinsel  
Registered Agent for Texaco Butadiene Company (Texas-U.S. Chemical Company International)  
1111 Rusk Street  
Houston, TX 77002